

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-11654-RWZ

CRANBERRY COMMONS, LTD

v.

OROGRAIN BAKERIES, INC.

JUDGMENT

October 21, 2013

ZOBEL, D.J.

The court allowed defendant's motion for summary judgment as to count 2 of the original complaint and all claims of count 1 outside the statute of limitations and all claims for restoration costs delineated as the landlord's responsibilities under the lease. Plaintiff filed an amended complaint in which it asserts claims for damages to the building under the terms of the parties' lease and for defendant's negligence. Defendant again moved for summary judgment which the court allowed as to all claims except that for defendant's proportionate share of the real estate taxes for the tax years of defendant's occupancy of the building within the statute of limitations, 2005 through 2009. The court ordered the parties to submit a joint statement listing the appropriate amount of real estate taxes payable by defendant. Defendant, having been unable to obtain the assent or objection of plaintiff, submitted its statement that it owes \$ 8,096.84 for the relevant years.

Accordingly, it is ORDERED:

1. That judgment enter for defendant on all claims asserted in the original and the amended complaint except plaintiff's claim for real estate taxes.
2. That judgment enter for plaintiff on its claim for real estate taxes in the amount of \$8,096.84 without prejudgment interest.

October 21, 2013

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE